

DECISION MEMO
WYOMING DEPARTMENT OF TRANSPORTATION (WYDOT)
PERMIT AREA (Permit Renewal)

USDA Forest Service
Shoshone National Forest
North Zone/Clarks Fork Ranger District

Project Identification: N0404

Park County, Wyoming

SW1/4NE1/4 Sec. 36, T56N, R105E, 6th principal Meridian

Decision

I have reviewed the environmental analysis and my decision is to renew the existing Special Use Permit for the Wyoming Department of Transportation to operate a site for crushed gravel, equipment, and a mixing site for maintenance materials. No permanent structures or facilities will be erected. The permit covers 2.5 acres. Authority and general terms and conditions are specified in the permit.

The Shoshone National Forest will administer and monitor the permit. The permitted stockpile site is needed for highway operations and maintenance to maintain public and safety on the State Highway.

This action falls under 1909.15 Chapter 31.2(3)(h) of the Forest Service Handbook on Environmental Policy and Procedures.

(3) CE category for "approval, modification or continuation of minor uses of NFS lands that require less than five contiguous acres of land."

(h) Approving the continued use of land where such use has not changed since authorized and no changes in the physical environment or facilities are proposed.

Based on the experience of implementing similar projects, the effects of implementing this action will be of limited context and intensity and will result in little or no environmental effects to either the physical or biological components of the environment.

Background

The project is located in Park County at SW1/4NE1/4 Sec. 36, T56N, R105E, 6th principal Meridian.

The location is approximately 25 miles northwest of Cody, Wyoming on the Chief Joseph Highway.

Planned Action

This decision will renew the existing permit and stockpile site currently in use by WYDOT.

The total area involved with the project is 2.5 acres.

Specifics for the Planned Action

Permit terms and conditions are specified in the permit, including clauses for protection of habitat of Endangered, Threatened, and Sensitive Species, protection of archaeological discoveries, solid and hazardous waste disposal and grizzly bear protection.

Reasons for Categorically Excluding the Proposed Action

The routine, proposed action falls under Section 31.2 (3) (h) of the Forest Service Handbook 1909.15 – Environmental Policy and Procedures Handbook. Based on internal scoping and past experience, and permit terms and conditions, the effects of implementing this action will be of limited context and

intensity and will result in little or no environmental effects to either the physical or biological components of the environment.

Forest Plan Direction/Findings Required by Other Laws

This proposal is consistent with laws, regulations, and policy, as well as standards and guidelines in the Shoshone National Forest Land and Resource Management Plan (LRMP). The management area is 2B, where the primary management direction is to provide for the rural and roaded recreation opportunities. This decision is in accordance with other applicable federal regulations and laws.

Scoping and Public Involvement

This is a renewal of an existing permit in a highway corridor. Scoping was internal and no public involvement efforts are necessary. No significant issues relative to this permit/project were identified. No additional mitigation beyond the permit terms and conditions are needed.

- Biologists were consulted for their expertise on bear/human conflicts and how to best implement this action. Guidelines for reducing bear/human conflicts will be incorporated into the project (see permit terms and conditions), to include compliance with the requirements of the Grizzly Bear Management and Protection Plan:
 - ✓ Garbage and refuse handling and disposal procedures will be implemented.
 - ✓ Human safety awareness training, human/bear conflict prevention procedures, and encounter procedures will be conducted.
 - ✓ Enforce human activity restrictions by area, season, etc.

No other actions or alternatives were identified that would meet the need. If no action were taken, a satisfactory solution to meet the need for the stockpile site would not result. The decision and actions implemented are the most expeditious, cost efficient methods available to address concerns in terms of health and safety, visitor services, and facilities management.

This decision is being distributed to interested and potentially affected parties.

Finding of No Extraordinary Circumstances

Under the Forest Service Handbook definition (1909.15 Chapter 30.3-30.5), extraordinary circumstances exist, only when *conditions* associated with the proposal are identified “as potentially having effects which may significantly affect the environment.” Scoping was conducted to identify any conditions associated with a normally excluded action as potentially having effects, which may significantly affect the environment.

Extraordinary circumstances include, but are not limited to, steep slopes or highly erosive soils, threatened and endangered species or their critical habitat, wetlands and flood plains, impaired waters, municipal watersheds, inventoried roadless areas, Congressionally designated areas (such as wilderness, wilderness study areas, or National Recreation Areas), Research Natural Areas, or Native American religious or cultural sites, archaeological sites, or historic properties or areas.

The categorical exclusion is appropriate in this situation because there are no extraordinary circumstances identified through review. No conditions associated with the proposal are identified “as potentially having effects which may significantly affect the environment.”

Determination for Threatened and Endangered Species

I have concluded that the project would have no effect on any endangered or threatened species known or suspected to occur in the project influence zone; therefore, no conditions that may lead to a finding of extraordinary circumstances exist. In consultation with the North Zone wildlife biologist: *“It is my determination that the proposed action will have “no effect” on any proposed or listed species known or suspected to occur in the area. I have also concluded that this proposed action would have “no effect” on any Region 2 sensitive species known or suspected to occur in the project area, or on any Forest Plan management indicator species (MIS) that are known or suspected to occur in the project area.”*

Summary

I have reviewed the proposal and determined that no significant effects would occur from its implementation. The effects of the actions, as determined through internal scoping, are not highly controversial and are similar to other actions that have been implemented in the area. The effects on the human environment are not highly uncertain or involve unique risks. The proposed action is a routine special use permit authorization; the Forest Service and others have been approving permits for such sites/facilities for years with predictable results. The action is not related to any actions that would result in significant cumulative impacts. The project does not represent a decision in principle about future considerations and does not violate federal, state, or local laws or requirements imposed for protection of the environment.

Implementation and Contacts

This decision can be implemented immediately and is not subject to appeal pursuant to 36 CFR 215.8 (a) (4). This permit will be authorized as soon as possible beginning in 2004.

For further information on the project, contact project leader Jennifer Watson at 307-527-6241.

For further information on this decision, contact Marty Sharp, NEPA Coordinator, 203A Yellowstone Ave., Cody, Wyoming 82414, or telephone 307-527-6921.

/s/ David R. Myers

8 January 2004

David R. Myers
District Ranger

Date